

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

CLIFFORD ALLEN SMITH, #184026	§	
	§	
V.	§	CIVIL ACTION NO. G-06-231
	§	
GEAN LEONARD, ET AL.	§	

ORDER OF DISMISSAL

Before the Court for its Order of Acceptance is a Report and Recommendation of the United States Magistrate Judge, entered on June 1, 2006, which recommends that the instant case be dismissed with prejudice. In his objections to the Report and Recommendation, Plaintiff reasserts his claim that the law library at the Galveston County Jail is inadequate and that he is being discriminated against by the Sheriff and jail officials because he has been forced to attend library sessions by himself.

As correctly stated by the Magistrate Judge, Plaintiff has failed to show that he was denied access to courts. His claim of discrimination, which was not pleaded until his objections, will not be considered by the Court at this late juncture. The Court will note, however, that the United States Court of Appeals for the Fifth Circuit has held that an inmate has no First Amendment right to provide legal assistance to fellow inmates. *Tighe v. Wall*, 100 F.3d 41, 42 (5th Cir. 1996).

After *de novo* review pursuant to 28 U.S.C. §636 (b)(1)(C), this Court is of the opinion that the Report and Recommendation of the Magistrate Judge should be, and it is hereby, **ACCEPTED** in its entirety and incorporated by reference herein. It is the **ORDER** of this Court that this cause is **DISMISSED** with prejudice as frivolous.

This Order does not release Plaintiff or the Texas Department of Criminal Justice, Institutions Division, from the obligation to pay the filing fee previously imposed.

Plaintiff is advised that if he appeals this dismissal, he will be required to pay the appeal fee of \$455.00 pursuant to the Prison Litigation Reform Act, and he must submit a 6-month certificate of his inmate trust account when he files his notice of appeal.

A certified copy of this Order shall be mailed to: **TDCJ-Office of the General Counsel**, P.O. Box 13084, Austin, Texas, 78711; and, to **TDCJ Local Funds Division**, P.O. Box 629, Huntsville, TX 77342-0629.

DONE at Galveston, Texas, this the 22nd day of June, 2006.



Samuel B. Kent
United States District Judge